



**AGENDA**  
**Committee on Public Safety**  
**Friday, July 22, 2016 @ 3:30 p.m.**  
**City Council Chambers, 10<sup>th</sup> Floor, City Hall**

Councilmember Carol Wood, Chair  
Councilmember Adam Hussain, Vice Chair  
Councilmember Kathie Dunbar, Member

1. **Call to Order**
  2. **Roll Call**
  3. **Minutes**
    - July 8, 2016
  4. **Public Comment on Agenda Items**
  5. **Discussion/Action:**
    - A.) Ingham Prosecutor Gretchen Whitmer
    - B.) DISCUSSION – Medical Marihuana Licensing Ordinance
  6. **Other**
  7. **Adjourn**
- 
- Pending – Continued discussion regarding 3200 S. Washington
  - Pending – Discussion regarding lead



**MINUTES**  
**Committee on Public Safety**  
**Friday, July 8, 2016 @ 3:30 p.m.**  
**City Council Chambers, 10<sup>th</sup> Floor City Hall**

**CALL TO ORDER**

The meeting called to order at 3:35 p.m.

**ROLL CALL**

Councilmember Carol Wood, Chair  
Councilmember Adam Hussain, Vice Chair  
Councilmember Kathie Dunbar, Member

**OTHERS PRESENT**

Sherrie Boak, Council Staff  
Jim Smiertka, City Attorney  
Mark Dotson, Deputy City Attorney  
Spike Tyler  
Darren Cresian  
Elvis Ott  
Harold Tayler  
Cindy Eltaoth  
Elaine Womboldt  
Robin Schneider, NPRA  
Jennifer Woodwin  
Mary Ellen Purificato  
Mary Ann Prince  
Jacob Rufenacht  
Chris Riesbeck  
Richard Williams

**MINUTES**

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM JUNE 10, 2016 AS PRESENTED. MOTION CARRIED 3-0.

MOTION BY COUNCIL MEMBER DUNBAR TO APPROVE THE MINUTES FROM JUNE 27, 2016 AS PRESENTED. MOTION CARRIED 3-0.

Council Member Wood spoke on clarification on audience protocol. It was stressed the importance of allowing each person to have their opportunity to speak without comments from the audience whether here in the chambers, the lobby or outside the building.

It was then noted that at the meeting on June 10, 2016 the Interim City Attorney Mr. Abood, indicated that based on additional research that the ordinance drafted by their office on April 22<sup>nd</sup> that it wasn't enforceable. There was a request for additional time to submit a new draft to the Committee. The Committee at that time demanded a third proposal or a process on how to close dispensaries that have opened be presented to Committee today. After the approval of Mr. Smiertka as City Attorney, he asked prior to this meeting, could Law have more time, and he was given until July 22, 2016.

**Discussion/Action:**

**DISCUSSION – Medical Marihuana Licensing Ordinance**

Mr. Smiertka acknowledged his efforts so far, and communications with Mr. Dotson who was involved in crafting the first draft. The Michigan Medical Marihuana Act only allows for a Caregiver to have five registered patients. There are cases that speak to how that can occur and not occur. There is also is a Charter provision in Lansing that allows for the possession of less than an 1 oz. on a persons' private property if they are 21 years or older. Mr. Smiertka continued by stating that when crafting the ordinance they have to find what complies with the Charter and with the Michigan Medical Marihuana Act. The Act and cases interpreted say certain things cannot occur, such as Caregiver to Caregiver and patient to patient, also Caregiver to non-registered patient transfers. Also the growing of medical marijuana which addresses that twelve plants for each of the five patients with a total of sixty plants, with provisions on location and regulations. The Act is silent however on other things such as how does it get to the location, cases where you can't have in a condo situation. Mr. Dotson added that a co-op is illegal, where care givers share product with each other, and not designated for the regular patients.

Councilmember Wood asked if a large building is secured for individual Caregivers to have their own locked area can they or cannot they have the plants there. Mr. Dotson stated if the security is independent only to that Caregiver, they can, if they are also operating consistent with the MMA. It violates the MMA if they are working out of the same building which is not secure to individual Caregiver.

Councilmember Dunbar asked if they are using storage units, locked but all in a single building if it would trigger a federal raid. Mr. Dotson replied that under Michigan law he was not aware of an opinion for that type of operation would be illegal, but not sure about Federal laws. Mr. Smiertka noted his office is still doing background work on the process, and noted in August the U. S. Government may state that medical marihuana is not under level 1 drug, so it could be in registered phase. The Michigan Legislature is working on rules to clarify. There are currently businesses with the City ordinance has a license involved and zoning restrictions. Some of those are concepts of the dispensaries so many feet separating each other. Mr. Smiertka continued that in his review of the ordinance he is trying to anticipate what the Legislature may do in the fall.

Currently right now, nuisances in the residential neighborhoods, the zoning should not allow these businesses. The intent of the next draft of the ordinance is to address this and to keep the business of marijuana out of the neighborhoods. Now the Caregiver can still have immunity as long as they comply with the State law. Currently the City Attorney office is looking at three things which include; getting an advisory board to advise the City/Council and build into the ordinance a process for rules, making it flexible when State and Federal laws change. Mr. Smiertka suggested that maybe there is an option to provide a waiver for the neighborhood uses. Lastly the question is who would issue the license. The City Attorneys' office goal is to have the draft back by the July 22 meeting.

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Mr. Dotson added they welcome any suggestions on the process, the advisory committee, registering and licensing.

Councilmember Dunbar referred back to a comment by the City Attorney where he had stated that Caregivers can do what they want as long as they comport with State law. The question then is does the State law address odor and the details of the nuisance aspect, and does Council still have the right to regulate under their ordinances to regulate noise, smell and traffic. Mr. Smiertka confirmed that Council can still address those items.

Council Member Dunbar referred back to a statement by Mr. Dotson, and asked if he was suggesting that the advisory panel/committee law is proposing would be doing the approvals of the licensing. Mr. Dotson acknowledged he was looking at a number of different models. The plan is to have the Clerk's office vet the applications to meet core requirements, then pass to respective departments. The committee would look thru information submitted to see if it meets qualifications that the committee set. The City Attorney office is trying to strike a balance that has multiple entities and criteria, then remove any doubt that the public or City may have.

Councilmember Dunbar agreed to a committee that sets standards, but not in favor of a citizen board for approvals, that sets precedence and is wrong. Legitimacy is having standard set of criteria. Mr. Smiertka clarified that that is not the intent; not to take away the legislative function of the City Council. The advisory board is a team of experts to advise the City on issues and advise on the adoption of rules to come back to. Again it was noted these discussions are all just concepts at this time.

Councilmember Hussain noted he was not in support of Mayoral appointments because the positions need to be objective, therefore he asked law if there were other models out there law can look at. Mr. Dotson confirmed there are some communities that have created committees, and those communities have been very impressive, especially those committees that are familiar with the business. There is also an assumption that there are well defined criteria that guides the committee. Mr. Smiertka stated that if there is no level of objectivity, and if they are vague or arbitrary, then the property owner and the license could open up the City for liability. The City Attorney is not in favor of a committee for committee purpose, but in this case they need experts to advise them.

Councilmember Wood asked if would be similar to the BZA, Electrical Board and Plumbing Boards. Mr. Smiertka confirmed it would be but with no powers.

Councilmember Wood voiced her concern with regard to e grandfathering or vest interest in of a business that is already open. Mr. Smiertka noted that there is a provision in the ordinance with a 30 day provision for the new license and grandfathering assumes the prior use of the business was legal.

Mr. Dotson noted if they are operating illegally they are ineligible for grandfathering. When the process starts all over again, it will be deemed everyone is illegal and shut down for that period, or another approach is to give them a window where they have to apply then the City will issue the license or deny. The draft ordinance the Committee will see next time does speak to that as well. Mr. Smiertka noted that he was not sure that currently the draft ordinance has a space differential.

Councilmember Dunbar asked if there is a window to apply, and if they have to demonstrate to comport with that to get the license, also what if there multiple businesses in one site, and they all comport with license requirements and they all fit the legal criteria, how could you choose

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which stays and which goes if they are all in compliance. Mr. Smiertka confirmed that it could be difficult but he would look into it.

Councilmember Hussain asked about any legal footing and subsequent litigation. Mr. Smiertka noted he would research and come up with the legal solution.

Councilmember Wood asked that they add to the research the issue of if they did not issue license, can the City go back to the letter from the City Attorney that stated none could be open. The research should also include information on closing during those 30 days and during that time they apply for license. Councilmember Hussain asked if there was a disciplinary time frame. Mr. Smiertka referenced the nuisance abatement.

Councilmember Wood began discussions on the creation of the advisory group. It was asked if the group of experts would be in the ordinance as part of the policies and procedures. Mr. Smiertka stated he can draft it so the direction of advisory body would be to stop the issuance or denial of license.

Councilmember Wood asked if there was any relief for violations of the home occupation ordinance. Mr. Smiertka noted that it is not the intent to have this operation as a home occupation in a neighborhood. The ordinance will be drafted to be in compliance with the Michigan Medical Marihuana Act. An operation of a provisioning center not permitted in resident district. There are other issues such as odor, traffic, noise and those are not exempt. This will not affect normal enforcement of the building code. It was noted by Law that enforcement on noxious smells and nuisance can be enforced now.

Councilmember Dunbar noted that in the ordinance, when speaking of home occupation, it is not an occupation to be a Caregiver under the law. It appears the residential traffic is related to the Caregiver use. This would be hard to regulate, and there is no legal rights to go into the property. Councilmember Wood noted for Law that the City has been using home occupation ordinance successfully in court.

The Committee will continue to review and the next step is the internal process.

### **PUBLIC COMMENT**

Mr. Tyson spoke in support of the ability to have medical marihuana and how successful its use has been with his health problems. Mr. Tyson's issue with the ordinance is that currently it does not require them to have a carbon filter on their facility which would help the odor. Mr. Tyson concluded his opinion by stating he also is asking for the review of the dispensary locations.

Mr. Cresian spoke in support of regulations, testing facilities and education on the guidelines.

Mr. Ott spoke in opposition to a grow house in a residence. Mr. Ott also noted nuisances of smell, noise and traffic. Councilmember Wood acknowledged forwarding Mr. Ott's earlier email complaint to the Zoning department.

Mr. Taylor also spoke in opposition to grow houses in neighborhoods and the problems they cause.

Ms. Eltaoth spoke of statistics in Ingham County and asked the Committee to consider protection of all the residents in the City of Lansing. Ms. Eltaoth encouraged the Committee to consider 1,000 feet from schools, day cares, churches and also require confirmation that the

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employees cannot be convicted felons. Lastly she added should like a citizen or neighborhood leader on any advisory panel/committee.

Ms. Womboldt also asked for a neighborhood representative on the advisory panel/committee, she concluded her with her opposition to the medical marijuana without guidelines to protect all residents.

Ms. Schneider on behalf of the NPRA noted that distribution should not be taking place at the same place where it is grown, and co-ops are separate from the transfers for security reasons. Caregivers are not required to lock up their product unless they leave the site. Ms. Schneider is asking the Committee consider establishing a City Department to handle everything marijuana, setting a population cap, and required distance from schools. On the State side, the legislators have been crafting something for five (5) years, and hopefully Ms. Schneider hopes it will pass this year. Lastly, she supported neighborhood representative and law enforcement on the advisory panel/committee.

Mr. Dotson asked Ms. Schneider what her opinion on committee members placement would be, and Ms. Schneider suggested volunteers appointed by Council. Councilmember Wood stated that the City cannot create by ordinance a department with funds has not been appropriated for. It is a unfunded mandate.

Ms. Goodman spoke as the owner of a dispensary, noting she had followed all the rules and was still closed by the City. Ms. Goodman agrees to the provision of a license, but currently feels she was closed for the wrong reason. Councilmember Wood clarified to Ms. Goodman she was closed because the use did not comply with the current zoning ordinance. It is not in one of the zoning districts that this use can be in. Ms. Goodman was encouraged to provide addresses of other dispensaries she may believe are not in the correct zoning district.

Ms. Purificato acknowledged a recent situation in the Fairfield Condo Association, Beechfield where with assistance from the LPD and Council they were able to have it taken care. Once all the other sites are addressed in the association they will be changing their by-laws.

Mr. Rufenacht suggested the dispensaries provide liability insurance, business insurance, and registration.

Mr. Williams asked for enforcement of the current ordinance and spoke as a relator with concerns with the nuisance.

Mr. Riesbeck offered his assistance to the committee for expert opinion on dispensaries.

Councilmember Wood informed the public the next meeting would be July 22, 2016 and Law will have a new draft of the ordinance at that time, potentially by July 20<sup>th</sup>. Mr. Smiertka noted he would attempt to meet that deadline. Councilmember Wood noted that she has reached out to Ingham County Prosecutor Gretchen Witmer to attend the next meeting. The July 22<sup>nd</sup> meeting will also a review of the current ordinance, the nuisance ordinance, home occupation, provision centers, and abating issues that are done thru zoning. The Committee will also look into the State statute and regulations.

Councilmember Wood informed residents and the Committee of a meeting hosted by the Lansing Housing Committee on July 19<sup>th</sup> at 3200 S. Washington. Council has been invited, and she will incorporate a Committee on Public Safety at that time.

**Pending**

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- Pending – Continued discussion regarding 3200 S. Washington
- Pending – Discussion regarding lead

**ADJOURN**

The meeting was adjourned at 5:29 p.m.

Submitted by, Sherrie Boak, Recording Secretary Lansing City Council

Approved: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN TO REPEAL  
CHAPTER 878 OF THE LANSING CODIFIED ORDINANCES, PROHIBITING THE  
STARTING OF NEW MEDICAL MARIHUANA OPERATIONS.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 878 of the Codified Ordinances of the City of Lansing, Michigan  
be and is hereby repealed in its entirety and shall be null and void and of no effect.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules  
inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be  
invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof  
other than the part so declared to be invalid.

Section 4. This Ordinance repeal shall take effect on the 30<sup>th</sup> day after enactment, unless  
given immediate effect by City Council.

Approved as to form:

\_\_\_\_\_  
City Attorney

Dated: \_\_\_\_\_



CITY OF LANSING, MICHIGAN  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN TO AMEND CHAPTER 1300 OF PART 12, TITLE 6, OF THE CITY OF LANSING CODIFIED ORDINANCES IN ITS ENTIRETY; TO PROVIDE FOR THE REGULATION AND LICENSING OF MEDICAL MARIHUANA ESTABLISHMENTS; TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITY OF LANSING; TO SET LICENSING FEES FOR THE PURPOSE OF DEFRAYING THE COSTS ASSOCIATED WITH THE IMPLEMENTATION AND ENFORCEMENT OF THE PROVISIONS OF THE CHAPTER; AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE CHAPTER.

THE CITY OF LANSING ORDAINS:

**SECTION ONE:** Chapter 1300 of Part 12, Title 6, of the Lansing Code of Ordinances is hereby amended in its entirety to read as follows:

- 1300.1 Legislative Intent
- 1300.2 Definitions, Interpretation and Conflicts.
- 1300.3 Establishment of Medical Marihuana Commission; membership; chairperson; meetings.
- 1300.4 Operation without License Prohibited.
- 1300.5 License Application Submission.
- 1300.6 License Application Evaluation.
- 1300.7 License Renewal Application.
- 1300.8 Licenses Generally.
- 1300.9 Minimum Operational Standards of Medical Marihuana Provisioning Centers.
- 1300.10 Minimum Operational Standards of Medical Marihuana Grower Facilities.
- 1300.11 Minimum Operational Standards of Medical Marihuana Safety Compliance Facilities.
- 1300.12 Minimum Operational Standards of Medical Marihuana Processor Facilities.
- 1300.13 Location of Medical Marihuana Provisioning Centers and Medical Marihuana Processor Facilities.
- 1300.14 Location of Medical Marihuana Safety Compliance Facilities and Medical Marihuana Grower Facilities.
- 1300.15 Denial and Revocation.
- 1300.16 Penalties
- 1300.17 No Vested Rights

**1300.1 –LEGISLATIVE INTENT**

THE PURPOSE OF THIS CHAPTER IS TO LICENSE AND REGULATE MEDICAL MARIHUANA PROVISIONING CENTERS, MEDICAL MARIHUANA GROWER FACILITIES, MEDICAL MARIHUANA COMPLIANCE FACILITIES, AND MEDICAL MARIHUANA PROCESSOR FACILITIES TO THE EXTENT PERMISSIBLE UNDER STATE OF MICHIGAN AND FEDERAL LAWS AND REGULATIONS AND TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF THE CITY OF LANSING AND AS SUCH THIS CHAPTER CONSTITUTES A PUBLIC PURPOSE.

**1300.2 – DEFINITIONS, INTERPRETATION AND CONFLICTS.**

FOR THE PURPOSES OF THIS CHAPTER:

(A) ANY TERM DEFINED BY THE MICHIGAN MEDICAL MARIHUANA ACT, MCL 333.26421 ET SEQ., AS AMENDED (“MMMA”), SHALL HAVE THE DEFINITION GIVEN IN THE MICHIGAN MEDICAL MARIHUANA ACT, AS AMENDED. IF THE DEFINITION OF A WORD OR PHRASE SET FORTH BELOW CONFLICTS WITH THE DEFINITION IN THE MMMA, OR IF A TERM IS NOT DEFINED BUT IS DEFINED IN THE MMMA, THEN THE DEFINITION IN THE MMMA SHALL APPLY.

(B) ANY TERM DEFINED BY 21 USC 860(E) SHALL HAVE THE DEFINITION GIVEN BY 21 USC 860(E).

(C) THIS ORDINANCE SHALL NOT LIMIT AN INDIVIDUAL’S OR ENTITY’S RIGHTS UNDER THE MMMA. THE MMMA SUPERSEDES THIS ORDINANCE WHERE THERE IS A CONFLICT BETWEEN THEM.

(D) ALL ACTIVITIES RELATED TO MEDICAL MARIHUANA, INCLUDING THOSE RELATED TO A MEDICAL MARIHUANA PROVISIONING CENTER, A MEDICAL MARIHUANA CULTIVATION FACILITY, SECURE TRANSPORTER, PROCESSOR OR A SAFETY COMPLIANCE FACILITY SHALL BE IN COMPLIANCE WITH THE RULES OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS OR ANY SUCCESSOR AGENCY, THE RULES AND REGULATIONS OF THE CITY OF LANSING, AND THE MMMA.

(E) ANY USE WHICH PURPORTS TO HAVE ENGAGED IN THE CULTIVATION OR PROCESSING OF MEDICAL MARIHUANA INTO A USABLE FORM, OR THE DISTRIBUTION OF MEDICAL MARIHUANA, OR THE TESTING OF MEDICAL MARIHUANA EITHER PRIOR TO OR AFTER ENACTMENT OF THIS CHAPTER BUT WITHOUT OBTAINING THE REQUIRED LICENSING SET FORTH IN THIS CHAPTER SHALL BE DEEMED TO NOT BE A LEGALLY ESTABLISHED USE AND THEREFORE, NOT ENTITLED TO LEGAL NONCONFORMING STATUS UNDER THE PROVISIONS OF THIS CHAPTER AND AND/OR STATE LAW.

(F) THE FOLLOWING TERMS SHALL HAVE THE DEFINITIONS GIVEN:

“BUILDING” MEANS AN INDEPENDENT, ENCLOSED STRUCTURE HAVING A ROOF SUPPORTED BY COLUMNS OR WALLS, INTENDED AND / OR USED FOR SHELTER OR ENCLOSURE OF PERSONS OR CHATTELS. WHEN ANY PORTION OF A STRUCTURE IS COMPLETELY SEPARATED FROM EVERY OTHER PART BY DIVIDING WALLS FROM THE GROUND UP, AND WITHOUT OPENINGS, EACH PORTION OF SUCH STRUCTURE SHALL BE DEEMED A SEPARATE STRUCTURE, REGARDLESS OF WHETHER THE PORTIONS OF SUCH STRUCTURE SHARE COMMON PIPES, DUCTS, BOILERS, TANKS, FURNACES, OR OTHER SUCH SYSTEMS. THIS REFERS ONLY TO PERMANENT STRUCTURES, AND DOES NOT INCLUDE TENTS, SHEDS, AND PRIVATE GARAGES ON RESIDENTIAL PROPERTY, STABLES, OR OTHER ACCESSORY STRUCTURES. A BUILDING DOES NOT INCLUDE SUCH STRUCTURES WITH INTERIOR AREAS NOT NORMALLY ACCESSIBLE FOR HUMAN USE, SUCH AS GAS HOLDERS, TANKS, SMOKE STACKS, GRAIN ELEVATORS, COAL BUNKERS, OIL CRACKING TOWERS OR SIMILAR STRUCTURES.

“CHAPTER” MEANS THIS CHAPTER 1300.

“CITY” MEANS THE CITY OF LANSING, MICHIGAN.

“COMMISSION” MEANS THE MEDICAL MARIHUANA COMMISSION ESTABLISHED UNDER THIS CHAPTER.

“COUNCIL, OR CITY COUNCIL,” SHALL MEAN THE CITY COUNCIL OF LANSING, MICHIGAN.

“CULTIVATION” OR “CULTIVATE” AS USED IN THIS ORDINANCE SHALL MEAN (I) ALL PHASES OF GROWTH OF MARIHUANA FROM SEED TO HARVEST; OR (II) PREPARING, PACKAGING OR REPACKAGING, LABELING, OR RELABELING OF ANY FORM OF MARIHUANA; OR (III) TO THE EXTENT PERMITTED BY THE MMMA, IF AT ALL, THE EXTRACTION OF RESIN FROM THE MARIHUANA OR THE CREATION OF MARIHUANA INFUSED PRODUCTS FOR SALE OR PACKAGED FORM TO A MEDICAL MARIHUANA PROVISIONING CENTER.

“DISQUALIFYING FELONY” MEANS A FELONY THAT MAKES AN INDIVIDUAL INELIGIBLE TO SERVE AS A REGISTERED PRIMARY CAREGIVER UNDER THE MMMA OR OTHER APPLICABLE STATE LAW.

“MEDICAL MARIHUANA” MEAN ANY MARIHUANA INTENDED FOR MEDICAL USE THAT MEETS ALL REQUIREMENTS FOR MEDICAL MARIHUANA CONTAINED IN THE MMMA AND ANY OTHER APPLICABLE LAW.

“MEDICAL MARIHUANA COMMISSION” OR “COMMISSION” MEANS THE MEDICAL MARIHUANA COMMISSION ESTABLISHED UNDER SECTION 1300.3 OF THIS CHAPTER.

1  
2 "MEDICAL MARIHUANA PROVISIONING CENTER" MEANS A COMMERCIAL  
3 ENTITY LOCATED IN THE CITY THAT HAS A LICENSE FROM THE STATE ( TO THE  
4 EXTENT ONE IS REQUIRED) AND HAS A LICENSE FROM THE CITY, THAT SELLS,  
5 SUPPLIES, OR PROVIDES MARIHUANA TO REGISTERED QUALIFYING PATIENTS,  
6 ONLY AS PERMITTED BY STATE LAW. MEDICAL MARIHUANA PROVISIONING  
7 CENTER, AS DEFINED IN THE MMMA, INCLUDES ANY COMMERCIAL PROPERTY  
8 WHERE MARIHUANA IS SOLD IN CONFORMANCE WITH STATE LAW AND  
9 REGULATION. A NONCOMMERCIAL LOCATION USED BY A PRIMARY CAREGIVER  
10 TO ASSIST A QUALIFYING PATIENT, AS DEFINED IN THE MMMA, CONNECTED TO  
11 THE CAREGIVER THROUGH THE DEPARTMENT'S MARIHUANA REGISTRATION  
12 PROCESS IN ACCORDANCE WITH THE MMMA IS NOT A MEDICAL MARIHUANA  
13 PROVISIONING CENTER FOR PURPOSES OF THIS CHAPTER.

14  
15 "MEDICAL MARIHUANA GROWER FACILITY," ALSO KNOWN AS "MEDICAL  
16 MARIHUANA CULTIVATION FACILITY," MEANS A COMMERCIAL ENTITY  
17 LOCATED IN THE CITY THAT IS LICENSED BY THE STATE, (TO THE EXTENT ONE  
18 IS REQUIRED) AND HAS LICENSE FROM THE CITY, THAT CULTIVATES, DRIES,  
19 TRIMS OR CURES AND PACKAGES MARIHUANA IN ACCORDANCE WITH STATE  
20 LAW.

21  
22 "MEDICAL MARIHUANA ESTABLISHMENT(S),"OR" ESTABLISHMENT," IS A  
23 TERM USED IN THIS CHAPTER TO REFER TO ANY FACILITY, ESTABLISHMENT  
24 AND/OR CENTER THAT IS REQUIRED TO BE LICENSED UNDER THIS CHAPTER  
25 INCLUDING A MEDICAL MARIHUANA PROVISIONING CENTER, A MEDICAL  
26 MARIHUANA GROWER FACILITY, A MEDICAL MARIHUANA PROCESSOR FACILITY  
27 AND A MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY.

28  
29 "ORDINANCE" MEANS THE ORDINANCE ADOPTING THIS CHAPTER 1300.

30  
31 "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, FIRM, COMPANY,  
32 CORPORATION, ASSOCIATION, SOLE PROPRIETORSHIP, LIMITED LIABILITY  
33 COMPANY, JOINT VENTURE, ESTATE, TRUST, OR OTHER LEGAL ENTITY.

34  
35 " LICENSE APPLICATION" REFERS TO THE REQUIREMENTS AND PROCEDURES  
36 SET FORTH IN SECTIONS 1300.5 AND 1300.6.

37  
38  
39 "PROCESSOR" OR "MEDICAL MARIHUANA PROCESSOR FACILITY" MEANS A  
40 COMMERCIAL ENTITY LOCATED IN THIS CITY THAT HAS A LICENSE ISSUED BY  
41 THE STATE (TO THE EXTENT ONE IS REQUIRED) AND HAS A LICENSE FROM THE  
42 CITY, THAT EXTRACTS RESIN FROM THE MARIHUANA OR CREATES A  
43 MARIHUANA-INFUSED PRODUCT, TO THE EXTENT PERMITTED BY STATE LAW.."

44  
45 "SAFETY COMPLIANCE FACILITY" OR "MEDICAL MARIHUANA SAFETY  
46 COMPLIANCE FACILITY" MEANS A COMMERCIAL ENTITY THAT IS LICENSED BY

1 THE STATE (TO THE EXTENT ONE IS REQUIRED) AND HAS A LICENSE FROM THE  
2 CITY, THAT RECEIVES MARIHUANA FROM A MEDICAL MARIHUANA  
3 ESTABLISHMENT OR A REGISTERED QUALIFYING PATIENT OR A REGISTERED  
4 PRIMARY CAREGIVER, TESTS IT FOR CONTAMINANTS AND FOR  
5 TETRAHYDROCANNABINOL AND OTHER CANNABINOIDS IN ACCORDANCE  
6 WITH STATE LAW.

7  
8 "SECURE TRANSPORTER" MEANS A COMMERCIAL ENTITY THAT IS LICENSED  
9 BY THE STATE (TO THE EXTENT THAT ONE IS REQUIRED) AND HAS A LICENSE  
10 FROM THE CITY, THAT IS A COMMERCIAL ENTITY LOCATED IN THIS CITY THAT  
11 STORES MARIHUANA AND TRANSPORTS MARIHUANA BETWEEN MEDICAL  
12 MARIHUANA FACILITIES FOR A FEE AND IN ACCORDANCE WITH STATE LAW.

13  
14 "STAKEHOLDER" MEANS, WITH RESPECT TO A TRUST, THE BENEFICIARIES,  
15 WITH RESPECT TO A LIMITED LIABILITY COMPANY, THE MANAGERS OR  
16 MEMBERS, WITH RESPECT TO A CORPORATION, WHETHER PROFIT OR NON-  
17 PROFIT, THE OFFICERS, DIRECTORS, OR SHAREHOLDERS, AND WITH RESPECT TO  
18 A PARTNERSHIP OR LIMITED LIABILITY PARTNERSHIP, THE PARTNERS, BOTH  
19 GENERAL AND LIMITED.

20  
21 "STATE" MEANS THE STATE OF MICHIGAN.

22  
23 "RESTRICTED/LIMITED ACCESS AREA" MEANS, A BUILDING, ROOM OR OTHER  
24 AREA UNDER THE CONTROL OF THE LICENSEE WITH ACCESS GOVERNED BY THE  
25 MMMA OR OTHER APPLICABLE STATE LAW.

26  
27 (G) ANY TERM DEFINED BY THE MMMA AND NOT DEFINED IN THIS CHAPTER  
28 SHALL HAVE THE DEFINITION GIVEN IN THE MMMA.

29 **1300.3 – ESTABLISHMENT OF MEDICAL MARIHUANA COMMISSION;**  
30 **MEMBERSHIP; CHAIRPERSON; MEETINGS.**

31  
32 (A) THE MEDICAL MARIHUANA COMMISSION IS HEREBY ESTABLISHED. THE  
33 COMMISSION SHALL CONSIST OF FIVE (5) MEMBERS, WHO SHALL BE APPOINTED  
34 BY THE MAYOR WITH THE CONSENT OF COUNCIL. MEMBERS SHALL SERVE FOR  
35 TERMS OF OFFICE OF THREE (3) YEARS, EXCEPT FOR THE INITIAL  
36 APPOINTMENTS TO THE COMMISSION, ONE MEMBER SHALL SERVE FOR A TERM  
37 OF ONE (1) YEAR AND ONE MEMBER SHALL SERVE FOR A TERM OF TWO (2)  
38 YEARS.

39  
40 (B) THE MEMBERS OF THE COMMISSION SHALL INCLUDE THE FOLLOWING:

41  
42 (1) ONE (1) MEMBER REPRESENTING A DULY ORGANIZED AND  
43 EXISTING RESIDENTIAL OR NEIGHBORHOOD ORGANIZATION;

44  
45 (2) ONE (1) MEMBER REPRESENTING A DULY ORGANIZED AND EXISTING  
46 MEDICAL MARIHUANA PATIENT ADVOCACY ORGANIZATION;

1  
2 (3) THE DIRECTOR OF PLANNING AND NEIGHBORHOOD DEVELOPMENT (OR  
3 A DESIGNEE).  
4

5 (4) TWO (2) MEMBERS FROM THE GENERAL POPULATION OF THE CITY.  
6

7 (C) THE CHAIRPERSON OF THE COMMISSION SHALL BE ELECTED ANNUALLY  
8 BY A MAJORITY VOTE OF THE MEMBERS OF THE COMMISSION. THE  
9 COMMISSION MAY MEET AT SUCH TIMES AS THE COMMISSION MAY DETERMINE  
10 OR AS OTHERWISE REQUIRED IN THIS CHAPTER. THE COMMISSION SHALL  
11 ADOPT ITS OWN RULES OF PROCEDURE AND SHALL KEEP A RECORD OF ITS  
12 PROCEEDINGS, SHOWING THE ACTION OF THE COMMISSION AND THE VOTE OF  
13 EACH MEMBER UPON EACH QUESTION CONSIDERED. ALL MEETINGS OF THE  
14 COMMISSION SHALL BE HELD IN CONFORMANCE WITH THE MICHIGAN OPEN  
15 MEETINGS ACT, 1976 PA 267, MCL 15.261 ET SEQ. THE COMMISSION SHALL KEEP A  
16 RECORD WHICH SHALL BE OPEN TO THE PUBLIC. THE PRESENCE OF THREE (3)  
17 MEMBERS SHALL CONSTITUTE A QUORUM.  
18

19 (D) EXCEPT FOR THE DIRECTOR OF PLANNING AND NEIGHBORHOOD  
20 DEVELOPMENT, NO VOTING MEMBER OF THE COMMISSION SHALL HOLD ANY  
21 OTHER PUBLIC OFFICE OR PUBLIC EMPLOYMENT IN ANY LOCAL UNIT OF  
22 GOVERNMENT SUPPORTED BY LANSING PROPERTY TAXES IN WHOLE OR IN  
23 PART. NO MEMBER OF THE COMMISSION SHALL HAVE ANY DIRECT  
24 FINANCIAL INTEREST IN A MEDICAL MARIHUANA ESTABLISHMENT.  
25

26 (E) THE COMMISSION SHALL REVIEW ALL APPLICATIONS THAT ARE  
27 FORWARDED TO IT UNDER THIS CHAPTER. A LICENSE SHALL NOT BE ISSUED  
28 UNTIL THE COMMISSION HAS ACTED ON THE APPLICATION BY ISSUING A  
29 CERTIFICATE OF APPROVAL BY MAJORITY VOTE OF THE COMMISSION.  
30

31 (F) THE COMMISSION MAY PROPOSE CHANGES TO THIS CHAPTER TO THE CITY  
32 COUNCIL AND MAY RECOMMEND RULES AND REGULATIONS RELATED TO THIS  
33 CHAPTER FOR COUNCIL APPROVAL.  
34

35 (G) THE CHIEF OF POLICE (OR A DESIGNEE) AND THE CHIEF OF THE FIRE  
36 DEPARTMENT (OR A DESIGNEE) SHALL ALSO SERVE THE COMMISSION IN AN EX  
37 OFFICIO NON-VOTING CAPACITY.  
38  
39  
40  
41  
42  
43  
44  
45  
46

**1300.4 - OPERATION WITHOUT LICENSE PROHIBITED.**

- (a) EVERY MEDICAL MARIHUANA ESTABLISHMENT IN THE CITY OF LANSING SHALL BE LICENSED PURSUANT TO THE TERMS AND PROVISIONS SET FORTH IN THIS CHAPTER. EXCEPT AS PROVIDED IN SUBSECTION 1300.4(b), NO PERSON SHALL OPERATE A MEDICAL MARIHUANA ESTABLISHMENT IN THE CITY WITHOUT FIRST OBTAINING A LICENSE FOR THE MEDICAL MARIHUANA ESTABLISHMENT FROM THE CITY CLERK.
- (b) A MEDICAL MARIHUANA ESTABLISHMENT THAT IS OPERATING ON THE EFFECTIVE DATE OF THIS CHAPTER AND IS NOT IN VIOLATION OF THE CITY'S MORATORIUM ON STARTING NEW OPERATIONS (CITY ORDINANCE 1202) MAY CONTINUE TO OPERATE DURING THE APPLICATION SUBMISSION AND REVIEW PERIODS PROVIDED FOR IN SECTIONS 1300.5 AND 1300.6, ONLY SO LONG AS IT SUBMITS ITS APPLICATION FOR A LICENSE WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS CHAPTER AND ONLY SO LONG AS IT HAS NOT BEEN NOTIFIED BY THE CITY CLERK THAT IT WOULD NOT BE RECEIVING A LICENSE OR THAT ITS APPLICATION WOULD NOT BE SUBMITTED TO THE COMMISSION FOR CONSIDERATION. ONCE A MEDICAL MARIHUANA ESTABLISHMENT IS NOTIFIED BY THE CITY CLERK THAT IT WILL NOT RECEIVE A LICENSE OR THAT ITS APPLICATION WILL NOT BE SUBMITTED TO THE COMMISSION FOR CONSIDERATION, THE MEDICAL MARIHUANA ESTABLISHMENT MUST CEASE OPERATING WITHIN 30 CALENDAR DAYS FROM THE DATE OF SUCH NOTIFICATION.
- (c) THE CITY CLERK SHALL ISSUE A NEW LICENSE FOR A MEDICAL MARIHUANA ESTABLISHMENT ONLY AFTER THE COMMISSON HAS ISSUED A CERTIFICATE OF APPROVAL. THE TERM OF EACH LICENSE SHALL BE ONE YEAR.

**1300.5 – LICENSE APPLICATION SUBMISSION.**

- (a) EVERY MEDICAL MARIHUANA ESTABLISHMENT MUST BE LICENSED BY THE CITY. APPLICATIONS FOR A LICENSE SHALL BE MADE IN WRITING TO THE CITY CLERK. ALL APPLICATIONS SUBMITTED TO THE CITY CLERK SHALL BE CONSIDERED FOR THE ISSUANCE OF A LICENSE.
- (b) AN APPLICATION FOR A LICENSE REQUIRED BY THIS CHAPTER SHALL BE MADE UNDER OATH ON FORMS PROVIDED BY THE CITY, AND SHALL CONTAIN ALL OF THE FOLLOWING:
- (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT'S NAME, DATE OF BIRTH, PHYSICAL ADDRESS, EMAIL ADDRESS, ONE OR MORE PHONE

1 NUMBERS, INCLUDING EMERGENCY CONTACT INFORMATION, A COPY OF A  
2 GOVERNMENT ISSUED PHOTO IDENTIFICATION CARD OF THE APPLICANT,  
3 AND A COPY OF THE APPLICANT'S REGISTRY IDENTIFICATION CARD ISSUED  
4 PURSUANT TO THE MMMA;  
5

6 (2) IF THE APPLICANT IS NOT AN INDIVIDUAL, THE NAMES, DATES OF  
7 BIRTH, PHYSICAL ADDRESSES, EMAIL ADDRESSES, AND ONE OR MORE PHONE  
8 NUMBERS OF EACH STAKEHOLDER OF THE APPLICANT, INCLUDING  
9 DESIGNATION OF A STAKEHOLDER AS AN EMERGENCY CONTACT PERSON  
10 AND CONTACT INFORMATION FOR THE EMERGENCY CONTACT PERSON,  
11 ARTICLES OF INCORPORATION, INTERNAL REVENUE SERVICE SS-4 EIN  
12 CONFIRMATION LETTER, AND THE OPERATING AGREEMENT OF THE  
13 APPLICANT, IF A LIMITED LIABILITY COMPANY, AND A COPY OF AT LEAST  
14 ONE STAKEHOLDER'S REGISTRY IDENTIFICATION CARD ISSUED PURSUANT  
15 TO THE MMMA;  
16

17 (3) THE NAME AND ADDRESS OF THE PROPOSED MEDICAL MARIHUANA  
18 ESTABLISHMENT AND ANY ADDITIONAL CONTACT INFORMATION DEEMED  
19 NECESSARY BY THE CITY CLERK;  
20

21 (4) FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE  
22 APPLICANT, AND EACH AGENT OR EMPLOYEE OF THE APPLICANT, AN  
23 AFFIRMATION THAT HE OR SHE ARE AT LEAST 21 YEAR OF AGE AND HAS NOT  
24 BEEN CONVICTED OF OR PLED GUILTY OR NO CONTEST TO A DISQUALIFYING  
25 FELONY;  
26

27 (5) A SIGNED RELEASE AUTHORIZING THE CITY OF LANSING POLICE  
28 DEPARTMENT TO PERFORM A CRIMINAL BACKGROUND CHECK TO  
29 ASCERTAIN WHETHER THE APPLICANT, EACH STAKEHOLDER OF THE  
30 APPLICANT, EACH OPERATOR AND EMPLOYEE OF THE APPLICANT MEET THE  
31 CRITERIA SET FORTH IN THIS ORDINANCE;  
32

33 (6) THE NAME, DATE OF BIRTH, PHYSICAL ADDRESS, COPY OF PHOTO  
34 IDENTIFICATION, AND EMAIL ADDRESS FOR ANY OPERATOR OR EMPLOYEE  
35 OF THE MEDICAL MARIHUANA ESTABLISHMENT, IF OTHER THAN THE  
36 APPLICANT;  
37

38 (7) AN AFFIRMATION UNDER OATH AS TO WHETHER THE APPLICANT  
39 OR OPERATOR HAS HAD A BUSINESS LICENSE REVOKED OR SUSPENDED, AND  
40 IF REVOKED OR SUSPENDED, THEN THE REASON THEREFORE;  
41

42 (8) FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE  
43 APPLICANT, A RESUME THAT INCLUDES WHETHER THE INDIVIDUAL HAS ANY  
44 RELEVANT EXPERIENCE WITH MEDICAL MARIHUANA OR A RELATED  
45 INDUSTRY;  
46



1 (9) A PATIENT EDUCATION PLAN TO DETAIL TO PATIENTS THE  
2 BENEFITS OR DRAWBACKS OF CERTAIN MARIHUANA STRAINS OR PRODUCTS  
3 IN CONNECTION WITH THE DEBILITATING MEDICAL CONDITIONS SET FORTH  
4 IN THE MICHIGAN MEDICAL MARIHUANA ACT;

5  
6 (10) A WRITTEN DESCRIPTION OF THE TRAINING AND EDUCATION THAT  
7 THE APPLICANT WILL PROVIDE TO ALL EMPLOYEES;

8  
9 (11) A COPY OF THE PROPOSED BUSINESS PLAN FOR THE  
10 ESTABLISHMENT, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

11  
12 (I) THE PROPOSED OWNERSHIP STRUCTURE OF THE  
13 ESTABLISHMENT, INCLUDING PERCENTAGE OWNERSHIP OF  
14 EACH PERSON OR ENTITY; AND

15  
16 (II) A CURRENT ORGANIZATION CHART THAT INCLUDES  
17 POSITION DESCRIPTIONS AND THE NAMES OF EACH PERSON  
18 HOLDING EACH POSITION.

19  
20 (12) ONE OF THE FOLLOWING: (A) PROOF OF OWNERSHIP OF THE ENTIRE  
21 PREMISES WHEREIN THE MEDICAL MARIHUANA ESTABLISHMENT IS TO BE  
22 OPERATED; OR (B) WRITTEN CONSENT FROM THE PROPERTY OWNER FOR USE  
23 OF THE PREMISES IN A MANNER REQUIRING LICENSURE UNDER THIS  
24 CHAPTER ALONG WITH A COPY OF THE LEASE FOR THE PREMISES;

25  
26 (13) A DESCRIPTION OF THE SECURITY PLAN FOR THE MEDICAL  
27 MARIHUANA ESTABLISHMENT, INCLUDING, BUT NOT LIMITED TO, ANY  
28 LIGHTING ALARMS, BARRIERS, RECORDING/MONITORING DEVICES, AND/OR  
29 SECURITY GUARD ARRANGEMENTS PROPOSED FOR THE ESTABLISHMENT  
30 AND PREMISES. THE SECURITY MUST CONTAIN THE SPECIFICATION DETAILS  
31 OF EACH PIECE OF SECURITY EQUIPMENT. EACH MEDICAL MARIHUANA  
32 ESTABLISHMENT MUST HAVE A SECURITY GUARD PRESENT DURING  
33 BUSINESS HOURS;

34  
35 (14) A FLOOR PLAN OF THE MEDICAL MARIHUANA ESTABLISHMENT, AS  
36 WELL AS A SCALE DIAGRAM ILLUSTRATING THE PROPERTY UPON WHICH  
37 THE MEDICAL MARIHUANA ESTABLISHMENT IS TO BE OPERATED, INCLUDING  
38 ALL AVAILABLE PARKING SPACES, AND SPECIFYING WHICH PARKING  
39 SPACES, IF ANY, ARE HANDICAPPED-ACCESSIBLE;

40  
41 (15) ANY PROPOSED TEXT OR GRAPHICAL MATERIALS TO BE SHOWN ON  
42 THE EXTERIOR OF THE PROPOSED MEDICAL MARIHUANA ESTABLISHMENT;

43  
44 (16) A LOCATION AREA MAP OF THE MEDICAL MARIHUANA  
45 ESTABLISHMENT AND SURROUNDING AREA THAT IDENTIFIES THE RELATIVE  
46 LOCATIONS AND THE DISTANCES (CLOSEST PROPERTY LINE TO THE SUBJECT

1 ESTABLISHMENT'S PROPERTY LINE) TO THE SUBJECT MEDICAL MARIHUANA  
2 ESTABLISHMENT TO THE CLOSEST REAL PROPERTY COMPRISING A PUBLIC  
3 OR PRIVATE ELEMENTARY, VOCATIONAL OR SECONDARY SCHOOL; OR  
4 ANOTHER LICENSED MEDICAL MARIHUANA ESTABLISHMENT;

5  
6 (17) A FACILITY SANITATION PLAN TO PROTECT AGAINST ANY  
7 MARIHUANA BEING INGESTED BY ANY PERSON OR ANIMAL, INDICATING  
8 HOW THE WASTE WILL BE STORED AND DISPOSED OF, AND HOW ANY  
9 MARIHUANA WILL BE RENDERED UNUSABLE UPON DISPOSAL. DISPOSAL BY  
10 ON-SITE BURNING OR INTRODUCTION IN THE SEWERAGE SYSTEM IS  
11 PROHIBITED;

12  
13 (18) A PROPOSED PATIENT RECORDKEEPING PLAN THAT WILL TRACK  
14 QUANTITIES SOLD TO INDIVIDUAL PATIENTS AND CAREGIVERS, AND WILL  
15 MONITOR INVENTORY;

16  
17 (19) A DESCRIPTION OF PROCEDURES FOR TESTING OF CONTAMINANTS,  
18 INCLUDING MOLD AND PESTICIDES;

19  
20 (20) AN AFFIDAVIT THAT NEITHER THE APPLICANT NOR ANY  
21 STAKEHOLDER OF THE APPLICANT IS IN DEFAULT TO THE CITY.  
22 SPECIFICALLY, THAT THE APPLICANT OR STAKEHOLDER OF THE APPLICANT  
23 HAS NOT FAILED TO PAY ANY PROPERTY TAXES, SPECIAL ASSESSMENTS,  
24 FINES, FEE OR OTHER FINANCIAL OBLIGATIONS TO THE CITY;

25  
26 (21) VERIFICATION, WITH COPIES OF ACTUAL BANK STATEMENTS,  
27 SHOWING THAT THE APPLICANT HAS LIQUID FUNDS IN THE APPLICANT'S  
28 NAME IN THE AMOUNT NEEDED TO COMPLETE THE MEDICAL MARIHUANA  
29 ESTABLISHMENT, BUT IN NO EVENT, LESS THAN FIFTY THOUSAND (\$50,000)  
30 DOLLARS IN IMMEDIATELY AVAILABLE FUNDS;

31  
32 (22) AN ESTIMATE OF THE NUMBER AND TYPE OF JOBS THAT THE  
33 MEDICAL MARIHUANA ESTABLISHMENT IS EXPECTED TO CREATE, THE  
34 AMOUNT AND TYPE OF COMPENSATION EXPECTED TO BE PAID FOR SUCH  
35 JOBS, AND THE PROJECTED ANNUAL BUDGET AND REVENUE OF THE  
36 MEDICAL MARIHUANA ESTABLISHMENT; AND

37  
38 (23) AS IT RELATES TO A MEDICAL MARIHUANA GROWER FACILITY, THE  
39 FOLLOWING ADDITIONAL ITEMS SHALL BE REQUIRED:

40  
41 (I) A CULTIVATION PLAN THAT INCLUDES AT A MINIMUM A  
42 DESCRIPTION OF THE CULTIVATION METHODS TO BE USED, INCLUDING  
43 PLANS FOR THE GROWING MEDIUMS, TREATMENTS, AND / OR ADDITIVES;

44  
45 (II) A PRODUCTION TESTING PLAN THAT INCLUDES AT A MINIMUM A  
46 DESCRIPTION OF HOW AND WHEN SAMPLES FOR LABORATORY TESTING

1 WILL BE SELECTED, WHAT TYPE OF TESTING WILL BE REQUESTED, AND  
2 HOW THE TEST RESULTS WILL BE USED;

3  
4 (III) AN AFFIDAVIT THAT ALL OPERATIONS WILL BE CONDUCTED IN  
5 CONFORMANCE WITH THE MMMA OR OTHER APPLICABLE STATE LAW;  
6

7 (IV) A CHEMICAL AND PESTICIDE STORAGE PLAN THAT STATES THE  
8 NAMES OF THE PESTICIDES TO BE USED IN CULTIVATION AND WHERE AND  
9 HOW PESTICIDES AND CHEMICALS WILL BE STORED IN THE  
10 ESTABLISHMENT, ALONG WITH A PLAN FOR THE DISPOSAL OF UNUSED  
11 PESTICIDES;  
12

13 (V) ALL CULTIVATION MUST BE PERFORMED INDOORS OR IN AN  
14 ENCLOSED GREENHOUSE.  
15

16 (24) ANY OTHER INFORMATION DEEMED NECESSARY BY THE CITY.  
17

18 (C) ALL APPLICATIONS SHALL BE ACCOMPANIED BY A FIVE THOUSAND  
19 (\$5,000) LICENSE APPLICATION FEE. SHOULD THE APPLICANT NOT RECEIVE A  
20 LICENSE, TWO THOUSAND FIVE HUNDRED (\$2,500) DOLLARS OF THE  
21 APPLICATION FEE SHALL BE RETURNED. IF AN APPLICATION IS APPROVED AND  
22 A LICENSE ISSUED, THE FIRST ANNUAL FEE SHALL BE TEN THOUSAND (\$10,000)  
23 DOLLARS. THE APPLICATION FEE AND THE ANNUAL FEE ARE ESTABLISHED TO  
24 DEFRAY THE COSTS OF ADMINISTRATION OF THIS CHAPTER.  
25

26  
27 (D) UPON RECEIPT OF A COMPLETED APPLICATION MEETING THE  
28 REQUIREMENTS OF THIS SECTION AND APPROPRIATE NONREFUNDABLE LICENSE  
29 APPLICATION FEE, THE CITY CLERK SHALL REFER A COPY OF THE APPLICATION  
30 TO EACH OF THE FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT,  
31 THE BUILDING SAFETY OFFICE, THE ZONING ADMINISTRATOR, AND THE CITY  
32 TREASURER.  
33

34 (E) NO APPLICATION SHALL BE SUBMITTED TO THE MEDICAL  
35 MARIHUANA COMMISSION UNLESS:  
36

37 (i) THE FIRE DEPARTMENT AND THE BUILDING SAFETY OFFICE HAVE  
38 INSPECTED THE PROPOSED LOCATION FOR COMPLIANCE WITH ALL  
39 LAWS FOR WHICH THEY ARE CHARGED WITH ENFORCEMENT;  
40

41 (II) THE ZONING ADMINISTRATOR HAS CONFIRMED THAT THE  
42 PROPOSED LOCATION COMPLIES WITH THE ZONING CODE;  
43

44 (ii) THE CITY TREASURER HAS CONFIRMED THAT THE APPLICANT AND  
45 EACH STAKEHOLDER OF THE APPLICANT ARE NOT IN DEFAULT TO  
46 THE CITY.

1  
2 (F) IF WRITTEN APPROVAL IS GIVEN BY EACH INDIVIDUAL OR DEPARTMENT  
3 IDENTIFIED IN SUBSECTION (E), THE CITY CLERK SHALL REFER A COPY OF THE  
4 APPLICATION TO THE COMMISSION FOR ITS CONSIDERATION.  
5

6 **1300.6 – APPLICATION EVALUATION.**  
7

8 (a) THE COMMISSION WILL ASSESS ALL APPLICATIONS REFERRED TO IT BY  
9 THE CITY CLERK PURSUANT TO SECTION 1300.5.  
10

11 (b) IN ITS APPLICATION DELIBERATIONS, THE COMMISSION SHALL ASSESS  
12 EACH APPLICATION IN EACH OF THE FOLLOWING CATEGORIES:  
13

14 (1) WHETHER THE PROPOSED ESTABLISHMENT IS SUITABLE FOR SAFE  
15 PUBLIC ACCESS AND HAS SUFFICIENT AND CONVENIENT PARKING  
16 SPACES AVAILABLE IN CLOSE PROXIMITY TO THE PROPOSED  
17 ESTABLISHMENT;  
18

19 (2) WHETHER THE PROPOSED ESTABLISHMENT HAS CONVENIENT  
20 HANDICAPPED-ACCESSIBLE PARKING SPACES AND WAYS OF  
21 INGRESS AND EGRESS THAT ARE CONSISTENT WITH THE  
22 AMERICANS WITH DISABILITIES ACT;  
23

24 (3) WHETHER THE LAYOUT OF THE PROPOSED ESTABLISHMENT  
25 PROMOTES THE SAFE HANDLING OF MARIHUANA;  
26

27 (4) WHETHER THE PROPOSED ESTABLISHMENT'S SECURITY AND  
28 RECORDKEEPING PLANS WILL HELP PREVENT THE THEFT OR  
29 DIVERSION OF MARIHUANA, AND PROMOTE THE SAFE STORAGE OF  
30 MARIHUANA AND CURRENCY;  
31

32 (5) WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE THE  
33 BUSINESS EXPERIENCE TO SUCCESSFULLY MANAGE THE PROPOSED  
34 ESTABLISHMENT;  
35

36 (6) WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE SUFFICIENT  
37 LIQUID ASSETS AND EQUITY COMMITMENTS TO ENSURE FINANCIAL  
38 STABILITY AND CAN DEMONSTRATE THE IMMEDIATE AND LONG-  
39 TERM FINANCIAL HEALTH AND RESOURCES OF THE MEDICAL  
40 MARIHUANA ESTABLISHMENT;  
41

42 (7) WHETHER THE APPLICANT OR ITS STAKEHOLDERS OR EMPLOYEES  
43 HAVE EXPERIENCE IN THE MEDICAL MARIHUANA INDUSTRY;  
44

- (8) WHETHER THE APPLICANT OR ITS STAKEHOLDERS OR EMPLOYEES HAVE A DEMONSTRATED KNOWLEDGE OF VARIOUS MARIHUANA STRAINS OR VARIETIES;
- (9) WHETHER THE PROPOSED ESTABLISHMENT WILL NEGATIVELY IMPACT THE CHARACTER AND AESTHETICS OF THE SURROUNDING NEIGHBORHOOD AND COMMUNITY, INCLUDING WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE ENGAGED IN POSITIVE COMMUNITY OUTREACH ON BEHALF OF THE PROPOSED ESTABLISHMENT, AND WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE MADE SIGNIFICANT IMPROVEMENTS TO THE BUILDING OR NEIGHBORHOOD WHERE THE PROPOSED ESTABLISHMENT IS TO BE LOCATED;
- (10) WHETHER THE APPLICANT WILL PROVIDE A SAFE, HEALTHY, AND ECONOMICALLY BENEFICIAL WORKING ENVIRONMENT; AND
- (11) WHETHER THE APPLICANT AND ITS STAKEHOLDERS ARE PERSONS OF GOOD CHARACTER, HONESTY, AND INTEGRITY WHO DO NOT DISCREDIT OR TEND TO DISCREDIT PUBLIC CONFIDENCE AND TRUST IN THE MEDICAL MARIHUANA INDUSTRY, OR POSE A THREAT TO THE PUBLIC HEALTH, SECURITY, SAFETY, MORALS, GOOD ORDER, OR GENERAL WELFARE.
- (12) IF THE COMMISSION ISSUES A CERTIFICATE OF APPROVAL TO AN APPLICANT, THE CITY CLERK SHALL ISSUE AN INITIAL LICENSE TO THAT APPLICANT WITHIN TEN (10) BUSINESS DAYS.
- (13) NOTHING IN THIS SECTION IS INTENDED TO CONFER A PROPERTY OR OTHER RIGHT, DUTY, PRIVILEGE OR INTEREST ENTITLING AN APPLICANT TO AN ADMINISTRATIVE HEARING UPON DENIAL OF AN APPLICATION OR WITH REGARD TO ANY SCORING DECISION.

#### **1300.7 – LICENSE RENEWAL APPLICATION.**

(A) APPLICATION FOR A LICENSE RENEWAL REQUIRED BY THIS CHAPTER SHALL BE MADE IN WRITING TO THE CITY CLERK AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION OF AN EXISTING LICENSE.

(B) AN APPLICATION FOR A LICENSE RENEWAL REQUIRED BY THIS CHAPTER SHALL BE MADE UNDER OATH ON A FORM PROVIDED BY THE CITY, AND SHALL CONTAIN ALL OF THE INFORMATION REQUIRED BY 1300.5(b).

(C) AN APPLICATION SHALL BE ACCOMPANIED BY A TEN THOUSAND (\$10,000) DOLLARS LICENSE RENEWAL FEE OF WHICH FIVE THOUSAND (\$5,000)

1 DOLLARS WILL BE RETURNED SHOULD THE LICENSE NOT BE RENEWED. THE  
2 RENEWAL FEE IS ESTABLISHED TO DEFRAY THE COSTS OF THE  
3 ADMINISTRATION OF THIS CHAPTER.

4  
5 (D) UPON RECEIPT OF A COMPLETED APPLICATION MEETING THE  
6 REQUIREMENTS OF THIS CHAPTER AND THE LICENSE RENEWAL FEE, THE CITY  
7 CLERK SHALL REFER A COPY OF THE RENEWAL APPLICATION TO EACH OF THE  
8 FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT, THE BUILDING  
9 SAFETY OFFICE, THE ZONING ADMINISTRATOR, AND THE CITY TREASURER.

10  
11 (E) NO RENEWAL APPLICATION SHALL BE APPROVED UNLESS:

12  
13 (1) THE FIRE DEPARTMENT AND THE BUILDING SAFETY OFFICE HAVE  
14 INSPECTED THE PROPOSED LOCATION FOR COMPLIANCE WITH ALL  
15 LAWS FOR WHICH THEY ARE CHARGED WITH ENFORCEMENT WITHIN  
16 THE PAST CALENDAR YEAR;

17  
18 (2) THE ZONING ADMINISTRATOR HAS CONFIRMED THAT THE PROPOSED  
19 LOCATION CURRENTLY COMPLIES WITH THE ZONING CODE AND THIS  
20 CHAPTER;

21  
22 (3) THE CITY TREASURER HAS CONFIRMED THAT THE APPLICANT AND  
23 EACH STAKEHOLDER OF THE APPLICANT ARE NOT CURRENTLY IN  
24 DEFAULT TO THE CITY.

25  
26 (F) IF WRITTEN APPROVAL IS GIVEN BY EACH INDIVIDUAL OR DEPARTMENT  
27 IDENTIFIED IN SUBSECTION (E), THE CITY CLERK SHALL ISSUE A LICENSE  
28 RENEWAL TO THE APPLICANT. IF NO RENEWAL LICENSE IS ISSUED, HALF OF THE  
29 APPLICATION FEE (\$5,000) SHALL BE RETURNED.

30  
31 **1300.8 – LICENSES GENERALLY.**

32  
33 (a) TO THE EXTENT PERMISSIBLE, ALL INFORMATION SUBMITTED IN  
34 CONJUNCTION WITH AN APPLICATION FOR A LICENSE OR LICENSE  
35 RENEWAL REQUIRED BY THIS CHAPTER IS CONFIDENTIAL AND EXEMPT  
36 FROM DISCLOSURE UNDER THE MICHIGAN FREEDOM OF INFORMATION  
37 ACT, 1976 PA 442, MCL 15.231 ET SEQ.

38  
39 (b) LICENSEES MAY TRANSFER A LICENSE ISSUED UNDER THIS CHAPTER TO A  
40 DIFFERENT LOCATION UPON RECEIVING WRITTEN APPROVAL OF THE CITY  
41 CLERK. IN ORDER TO REQUEST APPROVAL TO TRANSFER A LICENSE  
42 LOCATION, THE LICENSEE MUST MAKE A WRITTEN REQUEST TO THE CITY  
43 CLERK, INDICATING THE CURRENT LICENSE LOCATION AND THE  
44 PROPOSED LICENSE LOCATION. UPON RECEIVING THE WRITTEN REQUEST,  
45 THE CITY CLERK SHALL REFER A COPY OF THE WRITTEN REQUEST TO  
46 EACH OF THE FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT,

1 THE BUILDING SAFETY OFFICE, THE ZONING ADMINISTRATOR, AND THE  
2 CITY TREASURER. NO LICENSE TRANSFER SHALL BE APPROVED UNLESS  
3 EACH SUCH INDIVIDUAL OR DEPARTMENT GIVES WRITTEN APPROVAL  
4 THAT THE LICENSEE AND THE PROPOSED LICENSE LOCATION MEET THE  
5 STANDARDS IDENTIFIED IN 1300.5(E).  
6

7 (c) LICENSEES MAY TRANSFER A LICENSE ISSUED UNDER THIS CHAPTER TO A  
8 DIFFERENT INDIVIDUAL OR ENTITY UPON RECEIVING WRITTEN APPROVAL  
9 BY THE CITY CLERK. IN ORDER TO REQUEST APPROVAL TO TRANSFER A  
10 LICENSE TO A DIFFERENT INDIVIDUAL OR ENTITY, THE LICENSEE MUST  
11 MAKE A WRITTEN REQUEST TO THE CITY CLERK, INDICATING THE  
12 CURRENT LICENSEE AND THE PROPOSED LICENSEE. UPON RECEIVING THE  
13 WRITTEN REQUEST, THE CITY CLERK SHALL REFER A COPY OF THE  
14 WRITTEN REQUEST TO THE POLICE DEPARTMENT AND TO THE CITY  
15 TREASURER. NO LICENSE TRANSFER SHALL BE APPROVED UNLESS THE  
16 CITY TREASURER HAS CONFIRMED THAT THE PROPOSED LICENSEE AND  
17 EACH STAKEHOLDER OF THE PROPOSED LICENSEE ARE NOT IN DEFAULT  
18 TO THE CITY, AND THE POLICE DEPARTMENT HAS CONFIRMED THAT THE  
19 PROPOSED LICENSEE AND EACH STAKEHOLDER OF THE PROPOSED  
20 LICENSEE HAVE NOT BEEN CONVICTED OF A DISQUALIFYING FELONY.  
21

22 (D) LICENSEES SHALL REPORT ANY OTHER CHANGE IN THE INFORMATION  
23 REQUIRED BY THIS CHAPTER TO THE CITY CLERK WITHIN TEN (10) BUSINESS  
24 DAYS OF THE CHANGE. FAILURE TO DO SO MAY RESULT IN SUSPENSION OR  
25 REVOCATION OF THE LICENSE.  
26

27 **1300.9 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**  
28 **PROVISIONING CENTER.**  
29

30 (A) EVERY MEDICAL MARIHUANA PROVISIONING CENTER MUST BE LOCATED  
31 IN A BUILDING.  
32

33 (B) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE OPEN  
34 BETWEEN THE HOURS OF 10 P.M. AND 9 A.M.;  
35

36 (C) CONSUMPTION OF MARIHUANA SHALL BE PROHIBITED ON THE PREMISES  
37 OF A MEDICAL MARIHUANA PROVISIONING CENTER, AND A SIGN SHALL BE  
38 POSTED ON THE PREMISES OF EACH MEDICAL MARIHUANA PROVISIONING  
39 CENTER INDICATING THAT CONSUMPTION IS PROHIBITED ON THE PREMISES;  
40

41 (D) A MEDICAL MARIHUANA PROVISIONING CENTER SHALL CONTINUOUSLY  
42 MONITOR THE ENTIRE PREMISES ON WHICH THEY ARE OPERATED WITH  
43 SURVEILLANCE SYSTEMS THAT INCLUDE SECURITY CAMERAS. THE VIDEO  
44 RECORDINGS SHALL BE MAINTAINED IN A SECURE, OFF-SITE LOCATION FOR A  
45 PERIOD OF 14 DAYS;  
46

1 (E) UNLESS PERMITTED BY THE MMMA, PUBLIC OR COMMON AREAS OF THE  
2 MEDICAL MARIHUANA PROVISIONING CENTER MUST BE SEPARATED FROM  
3 RESTRICTED OR NON-PUBLIC AREAS OF THE PROVISIONING CENTER BY A  
4 PERMANENT BARRIER. UNLESS PERMITTED BY THE MMMA, NO MEDICAL  
5 MARIHUANA IS PERMITTED TO BE STORED, DISPLAYED, OR TRANSFERRED IN AN  
6 AREA ACCESSIBLE TO THE GENERAL PUBLIC;

7  
8 (F) ALL MEDICAL MARIHUANA STORAGE AREAS WITHIN MEDICAL  
9 MARIHUANA PROVISIONING CENTER MUST BE SEPARATED FROM ANY  
10 CUSTOMER/PATIENT AREAS BY A PERMANENT BARRIER. UNLESS PERMITTED BY  
11 THE MMMA, NO MEDICAL MARIHUANA IS PERMITTED TO BE STORED IN AN  
12 AREA ACCESSIBLE BY THE GENERAL PUBLIC OR REGISTERED  
13 CUSTOMERS/PATIENTS. MEDICAL MARIHUANA MAY BE DISPLAYED IN A SALES  
14 AREA ONLY IF PERMITTED BY THE MMMA;

15  
16 (G) ANY USABLE MEDICAL MARIHUANA REMAINING ON THE PREMISES OF A  
17 MEDICAL MARIHUANA PROVISIONING CENTER WHILE THE MEDICAL  
18 MARIHUANA PROVISIONING CENTER IS NOT IN OPERATION SHALL BE SECURED  
19 IN A SAFE PERMANENTLY AFFIXED TO THE PREMISES;

20  
21 (H) DRIVE-THROUGH WINDOW ON THE PREMISES OF A MEDICAL MARIHUANA  
22 PROVISIONING CENTER SHALL NOT BE PERMITTED;

23  
24 (I) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE OPERATED IN  
25 A MANNER CREATING NOISE, DUST, VIBRATION, GLARE, FUMES, OR ODORS  
26 DETECTABLE TO NORMAL SENSES BEYOND THE BOUNDARIES OF THE PROPERTY  
27 ON WHICH THE MEDICAL MARIHUANA PROVISIONING CENTER IS OPERATED;

28  
29 (J) THE LICENSE REQUIRED BY THIS CHAPTER SHALL BE PROMINENTLY  
30 DISPLAYED ON THE PREMISES OF A MEDICAL MARIHUANA PROVISIONING  
31 CENTER;

32  
33 (K) DISPOSAL OF MEDICAL MARIHUANA SHALL BE ACCOMPLISHED IN A  
34 MANNER THAT PREVENTS ITS ACQUISITION BY ANY PERSON WHO MAY NOT  
35 LAWFULLY POSSESS IT AND OTHERWISE IN CONFORMANCE WITH STATE LAW;

36  
37 (L) ALL MEDICAL MARIHUANA DELIVERED TO A PATIENT SHALL BE  
38 PACKAGED AND LABELED AS PROVIDED BY STATE LAW.

39  
40 (M) ALL REGISTERED PATIENTS MUST PRESENT BOTH THEIR MICHIGAN  
41 MEDICAL MARIHUANA PATIENT/CAREGIVER ID CARD AND STATE  
42 IDENTIFICATION PRIOR TO ENTERING RESTRICTED/LIMITED AREAS OR NON-  
43 PUBLIC AREAS OF THE MEDICAL MARIHUANA PROVISIONING CENTER, AND IF  
44 NO RESTRICTED/LIMITED AREA IS REQUIRED, THEN PROMPTLY UPON ENTERING  
45 THE MEDICAL MARIHUANA PROVISIONING CENTER.



1 (N) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED  
2 HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT ON  
3 THE PREMISES.

4  
5 (O) IT SHALL BE PROHIBITED TO DISPLAY ANY SIGNS THAT ARE  
6 INCONSISTENT WITH LOCAL LAWS OR REGULATIONS OR STATE LAW.

7  
8 (P) IT SHALL BE PROHIBITED TO USE ADVERTISING MATERIAL THAT IS  
9 MISLEADING, DECEPTIVE, OR FALSE, OR THAT IS DESIGNED TO APPEAL TO  
10 MINORS.

11  
12 (Q) IT SHALL BE PROHIBITED TO USE THE SYMBOL OR IMAGE OF A  
13 MARIHUANA LEAF IN ANY EXTERIOR BUILDING SIGNAGE.

14  
15 (R) NO LICENSED MEDICAL MARIHUANA PROVISIONING CENTER SHALL  
16 PLACE OR MAINTAIN, OR CAUSE TO BE PLACED OR MAINTAINED, AN  
17 ADVERTISEMENT OF MEDICAL MARIHUANA IN ANY FORM OR THROUGH ANY  
18 MEDIUM:

19  
20 (1) WITHIN ONE THOUSAND (1,000) FEET OF THE REAL PROPERTY  
21 COMPRISING AN OPERATIONAL PUBLIC OR PRIVATE ELEMENTARY OR  
22 SECONDARY SCHOOL;

23  
24 (2) WITHIN ONE THOUSAND (1,000) FEET, MEASURED PROPERTY LINE TO  
25 PROPERTY LINE, OF A COMMERCIAL CHILD CARE ORGANIZATION (NON-  
26 HOME OCCUPATION) THAT IS REQUIRED TO BE LICENSED OR REGISTERED  
27 WITH THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR  
28 ITS SUCCESSOR AGENCY, UNDER THE CHILD CARE ORGANIZATIONS ACT, 1973  
29 PA 116, MCL 722.11 ET SEQ...

30  
31 (S) CERTIFIED LABORATORY TESTING RESULTS THAT DISPLAY AT A  
32 MINIMUM THE TETRAHYDROCANNABINOL (THC), CANNABIDIOL (CBD), TOTAL  
33 CANNABINOID TESTING RESULT, AND A PASS/FAIL RATING BASED ON THE  
34 CERTIFIED LABORATORY'S MICROBIOLOGICAL, MYCOTOXINS, AND PESTICIDE  
35 AND SOLVENT RESIDUE ANALYSES MUST BE AVAILABLE TO ALL MEDICAL  
36 MARIHUANA PROVISIONING CENTER PATIENTS/CUSTOMERS UPON REQUEST.

37  
38 **1300.10 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**  
39 **GROWER FACILITY.**

40  
41 (A) THE FOLLOWING MINIMUM STANDARDS FOR MEDICAL MARIHUANA  
42 GROWER FACILITIES SHALL APPLY:

43  
44 (1) THE MEDICAL MARIHUANA GROWER FACILITY SHALL COMPLY AT ALL  
45 TIMES AND IN ALL CIRCUMSTANCES WITH THE MICHIGAN MEDICAL  
46 MARIHUANA ACT AND THE GENERAL RULES OF THE DEPARTMENT OF

1 LICENSING AND REGULATORY AFFAIRS, AS THEY MAY BE AMENDED FROM  
2 TIME TO TIME;

3  
4 (2) CONSUMPTION AND/OR USE OF MEDICAL MARIHUANA SHALL BE  
5 PROHIBITED AT THE CULTIVATION FACILITY;

6  
7 (3) ALL ACTIVITY RELATED TO THE CULTIVATION FACILITY SHALL BE  
8 DONE INDOORS OR IN AN ENCLOSED GREENHOUSE;

9  
10 (4) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED  
11 HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT  
12 ON THE PREMISES;

13  
14 (5) ANY MEDICAL MARIHUANA GROWER FACILITY SHALL MAINTAIN A  
15 LOG BOOK AND/OR DATABASE IDENTIFYING BY DATE THE AMOUNT OF  
16 MEDICAL MARIHUANA AND THE NUMBER OF MEDICAL MARIHUANA PLANTS  
17 ON THE PREMISES WHICH SHALL NOT EXCEED THE AMOUNT PERMITTED  
18 UNDER THE GROWER LICENSE ISSUED BY THE STATE OF MICHIGAN. THIS LOG  
19 SHALL BE AVAILABLE TO LAW ENFORCEMENT PERSONNEL TO CONFIRM  
20 THAT THE MEDICAL MARIHUANA GROWER DOES NOT HAVE MORE MEDICAL  
21 MARIHUANA THAN AUTHORIZED AT THE LOCATION AND SHALL NOT BE  
22 USED TO DISCLOSE MORE INFORMATION THAN IS REASONABLY NECESSARY  
23 TO VERIFY THE LAWFUL AMOUNT OF MEDICAL MARIHUANA AT THE  
24 FACILITY;

25  
26  
27 (6) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE  
28 BUILDING OR GREENHOUSE IN A LOCKED FACILITY IN ACCORDANCE WITH  
29 THE MICHIGAN MEDICAL MARIHUANA ACT, AS AMENDED;

30  
31 (7) ALL NECESSARY BUILDING, ELECTRICAL PLUMBING AND MECHANICAL  
32 PERMITS SHALL BE OBTAINED FOR ANY PORTION OF THE STRUCTURE IN  
33 WHICH ELECTRICAL WIRING, LIGHTING AND/OR WATERING DEVICES THAT  
34 SUPPORT THE CULTIVATION, GROWING OR HARVESTING OF MARIHUANA ARE  
35 LOCATED;

36  
37 (8) THAT PORTION OF THE STRUCTURE WHERE THE STORAGE OF ANY  
38 CHEMICALS SUCH AS HERBICIDES, PESTICIDES, AND FERTILIZERS SHALL BE  
39 SUBJECT TO INSPECTION AND APPROVAL BY THE LANSING FIRE  
40 DEPARTMENT TO INSURE COMPLIANCE WITH THE MICHIGAN FIRE  
41 PROTECTION CODE;

42  
43 (9) THE DISPENSING OF MEDICAL MARIHUANA AT THE MEDICAL  
44 MARIHUANA GROWER FACILITY SHALL BE PROHIBITED;

1 (10) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN  
2 THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH CULTIVATING,  
3 PROCESSING, OR TESTING MEDICAL MARIHUANA. MULTI-TENANT  
4 COMMERCIAL BUILDINGS MAY PERMIT ACCESSORY USES IN SUITES  
5 SEGREGATED FROM MEDICAL MARIHUANA GROWER FACILITY;  
6

7 (11) ALL PERSONS WORKING IN DIRECT CONTACT WITH MEDICAL  
8 MARIHUANA SHALL CONFORM TO HYGIENIC PRACTICES WHILE ON DUTY,  
9 INCLUDING BUT NOT LIMITED TO:

10 (I) MAINTAINING ADEQUATE PERSONAL CLEANLINESS;  
11

12 (II) WASHING HANDS THOROUGHLY IN ADEQUATE HAND-WASHING  
13 AREAS BEFORE STARTING WORK AND AT ANY OTHER TIME WHEN THE  
14 HANDS MAY HAVE BECOME SOILED OR CONTAMINATED.  
15

16 (III) REFRAINING FROM HAVING DIRECT CONTACT WITH MEDICAL  
17 MARIHUANA IF THE PERSON HAS OR MAY HAVE AN ILLNESS, OPEN  
18 LESION, INCLUDING BOILS, SORES OR INFECTED WOUNDS, OR ANY OTHER  
19 ABNORMAL SOURCE OF MICROBIAL CONTAMINATION, UNTIL THE  
20 CONDITION IS CORRECTED.  
21

22 (12) LITTER AND WASTE SHALL BE PROPERLY REMOVED AND THE  
23 OPERATING SYSTEMS FOR WASTE DISPOSAL ARE MAINTAINED IN AN  
24 ADEQUATE MANNER SO THAT THEY DO NOT CONSTITUTE A SOURCE OF  
25 CONTAMINATION IN AREAS WHERE MEDICAL MARIHUANA IS EXPOSED;  
26

27 (13) FLOORS, WALLS, AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A  
28 MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND  
29 IN GOOD REPAIR;  
30

31 (14) THERE SHALL BE ADEQUATE SCREENING OR OTHER PROTECTION  
32 AGAINST THE ENTRY OR PESTS. RUBBISH SHALL BE DISPOSED OF SO AS TO  
33 MINIMIZE THE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR  
34 THE WASTE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR  
35 WASTE BECOMING AND ATTRACTANT, HARBORAGE OR BREEDING PLACES  
36 FOR PESTS;  
37

38 (15) ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE  
39 MAINTAINED IN A SANITARY CONDITION;  
40

41 (16) EACH CULTIVATION CENTER SHALL PROVIDE ITS OCCUPANTS WITH  
42 ADEQUATE AND READILY ACCESSIBLE TOILET FACILITIES THAT ARE  
43 MAINTAINED IN A SANITARY CONDITION AND GOOD REPAIR;  
44  
45

1 (17) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF  
2 UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT  
3 PREVENTS THE GROWTH OF THESE MICROORGANISMS;  
4

5 (18) MEDICAL MARIHUANA GROWER FACILITIES SHALL BE FREE FROM  
6 INFESTATION BY INSECTS, RODENTS, BIRDS, OR VERMIN OR ANY KIND;  
7

8 (19) MEDICAL MARIHUANA GROWER FACILITIES SHALL PRODUCE NO  
9 PRODUCTS OTHER THAN USEABLE MEDICAL MARIHUANA INTENDED FOR  
10 HUMAN CONSUMPTION.  
11

12 (B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS A  
13 MEDICAL MARIHUANA GROWER FACILITY SHALL BE PROHIBITED.  
14

15 **1300.11 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**  
16 **SAFETY COMPLIANCE FACILITY.**  
17

18 (A) THE FOLLOWING MINIMUM STANDARDS FOR SAFETY COMPLIANCE  
19 FACILITIES SHALL APPLY:  
20

21 (1) THE SAFETY COMPLIANCE FACILITY SHALL COMPLY AT ALL TIMES  
22 AND IN ALL CIRCUMSTANCES WITH THE MICHIGAN MEDICAL MARIHUANA  
23 ACT AND THE GENERAL RULES OF THE DEPARTMENT OF LICENSING AND  
24 REGULATORY AFFAIRS, AS THEY MAY BE AMENDED FROM TIME TO TIME;  
25

26 (2) CONSUMPTION AND/OR USE OF MEDICAL MARIHUANA SHALL BE  
27 PROHIBITED AT THE FACILITY;  
28

29 (3) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED  
30 HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT  
31 ON THE PREMISES;  
32

33 (4) ANY SAFETY COMPLIANCE FACILITY SHALL MAINTAIN A LOG BOOK  
34 AND/OR DATABASE IDENTIFYING BY DATE THE AMOUNT OF MEDICAL  
35 MARIHUANA ON THE PREMISES AND FROM WHICH PARTICULAR SOURCE.  
36 THE FACILITY SHALL MAINTAIN THE CONFIDENTIALITY OF QUALIFYING  
37 PATIENTS IN COMPLIANCE WITH THE MICHIGAN MEDICAL MARIHUANA ACT,  
38 AS AMENDED;  
39

40 (5) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE  
41 BUILDING IN AN ENCLOSED, LOCKED FACILITY IN ACCORDANCE WITH THE  
42 MICHIGAN MEDICAL MARIHUANA ACT, AS AMENDED;  
43

44 (6) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN THE  
45 SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH TESTING MEDICAL  
46 MARIHUANA;

1  
2 (7) ALL PERSONS WORKING IN DIRECT CONTACT WITH MEDICAL  
3 MARIHUANA SHALL CONFORM TO HYGIENIC PRACTICES WHILE ON DUTY;  
4

5 (8) LITTER AND WASTE SHALL BE PROPERLY REMOVED AND THE  
6 OPERATING SYSTEMS FOR WASTE DISPOSAL ARE MAINTAINED IN AN  
7 ADEQUATE MANNER SO THAT THEY DO NOT CONSTITUTE A SOURCE OF  
8 CONTAMINATION IN AREAS WHERE MEDICAL MARIHUANA IS EXPOSED;  
9

10 (9) FLOORS, WALLS AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A  
11 MANNER THAT THEY MAY ADEQUATELY CLEANED AND KEPT CLEAN AND IN  
12 GOOD REPAIR;  
13

14 (10) ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE  
15 MAINTAINED IN A SANITARY CONDITION;  
16

17 (11) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF  
18 UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT  
19 PREVENTS THE GROWTH OF THESE MICROORGANISMS;  
20

21 (B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS A  
22 MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY SHALL BE PROHIBITED.  
23

24 **1300.12 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**  
25 **PROCESSOR FACILITY.**  
26

27 (A) THE FOLLOWING MINIMUM STANDARDS FOR PROCESSOR SHALL APPLY:  
28

29 (1) THE PROCESSOR SHALL COMPLY AT ALL TIMES AND IN ALL  
30 CIRCUMSTANCES WITH THE MICHIGAN MEDICAL MARIHUANA ACT AND THE  
31 GENERAL RULES OF THE DEPARTMENT OF LICENSING AND REGULATORY  
32 AFFAIRS, AS THEY MAY BE AMENDED FROM TIME TO TIME;  
33

34 (2) CONSUMPTION AND/OR USE OF MEDICAL MARIHUANA SHALL BE  
35 PROHIBITED AT THE CULTIVATION FACILITY;  
36

37 (3) ALL ACTIVITY RELATED TO THE PROCESSOR FACILITY SHALL BE  
38 PERFORMED INDOORS;  
39

40 (4) THE PREMISES SHALL BE OPEN FOR INSPECTION UPON PROBABLE  
41 CAUSE THAT A VIOLATION OF THIS CHAPTER HAS OCCURRED, DURING THE  
42 STATED HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS  
43 PRESENT ON THE PREMISES;  
44

45 (5) ANY PROCESSOR FACILITY SHALL MAINTAIN A LOG BOOK AND/OR  
46 DATABASE IDENTIFYING BY DATE THE AMOUNT OF MEDICAL MARIHUANA

1 ON THE PREMISES WHICH SHALL NOT EXCEED THE AMOUNT PERMITTED  
2 UNDER THE PROCESSOR LICENSE ISSUED BY THE STATE OF MICHIGAN, TO  
3 THE EXTENT A STATE PERMIT PROCESS EXISTS. THIS LOG SHALL BE  
4 AVAILABLE TO LAW ENFORCEMENT PERSONNEL TO CONFIRM THAT THE  
5 PROCESSOR DOES NOT HAVE MORE MEDICAL MARIHUANA THAN  
6 AUTHORIZED AT THE LOCATION AND SHALL NOT BE USED TO DISCLOSE  
7 MORE INFORMATION THAN IS REASONABLY NECESSARY TO VERIFY THE  
8 LAWFUL AMOUNT OF MEDICAL MARIHUANA AT THE FACILITY;

9  
10 (6) ALL MEDICAL MARIJUANA WILL BE TAGGED WITH UNIQUE  
11 IDENTIFICATION.

12  
13 (7) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE  
14 BUILDING OR GREENHOUSE IN A LOCKED FACILITY IN ACCORDANCE WITH  
15 THE MICHIGAN MEDICAL MARIHUANA ACT, AS AMENDED;

16  
17 (8) ALL NECESSARY BUILDING, ELECTRICAL PLUMBING AND MECHANICAL  
18 PERMITS SHALL BE OBTAINED FOR ANY PORTION OF THE STRUCTURE IN  
19 WHICH ELECTRICAL WIRING FOR DEVICES THAT SUPPORT THE PROCESSING  
20 OF MARIHUANA ARE LOCATED;

21  
22 (9) THAT PORTION OF THE STRUCTURE WHERE THE STORAGE OF ANY  
23 CHEMICALS SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE  
24 LANSING FIRE DEPARTMENT TO INSURE COMPLIANCE WITH THE MICHIGAN  
25 FIRE PROTECTION CODE;

26  
27 (10) THE DISPENSING OF MEDICAL MARIHUANA AT THE MEDICAL  
28 MARIHUANA PROCESSOR FACILITY SHALL BE PROHIBITED;

29  
30 (11) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN  
31 THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH PROCESSING.  
32 MULTI-TENANT COMMERCIAL BUILDINGS MAY PERMIT ACCESSORY USES IN  
33 SUITES SEGREGATED FROM THE PROCESSOR FACILITY;

34  
35 (12) ALL PERSONS WORKING IN DIRECT CONTACT WITH MEDICAL  
36 MARIHUANA SHALL CONFORM TO HYGIENIC PRACTICES WHILE ON DUTY,  
37 INCLUDING BUT NOT LIMITED TO:

38  
39 (I) MAINTAINING ADEQUATE PERSONAL CLEANLINESS;

40  
41 (II) WASHING HANDS THOROUGHLY IN ADEQUATE HAND-WASHING  
42 AREAS BEFORE STARTING WORK AND AT ANY OTHER TIME WHEN THE  
43 HANDS MAY HAVE BECOME SOILED OR CONTAMINATED.

44  
45 (III) REFRAINING FROM HAVING DIRECT CONTACT WITH MEDICAL  
46 MARIHUANA IF THE PERSON HAS OR MAY HAVE AN ILLNESS, OPEN

1 LESION, INCLUDING BOILS, SORES OR INFECTED WOUNDS, OR ANY OTHER  
2 ABNORMAL SOURCE OF MICROBIAL CONTAMINATION, UNTIL THE  
3 CONDITION IS CORRECTED.  
4

5 (13) LITTER AND WASTE SHALL BE PROPERLY REMOVED AND THE  
6 OPERATING SYSTEMS FOR WASTE DISPOSAL ARE MAINTAINED IN AN  
7 ADEQUATE MANNER SO THAT THEY DO NOT CONSTITUTE A SOURCE OF  
8 CONTAMINATION IN AREAS WHERE MEDICAL MARIHUANA IS EXPOSED;  
9

10 (14) FLOORS, WALLS, AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A  
11 MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND  
12 IN GOOD REPAIR;  
13

14 (15) THERE SHALL BE ADEQUATE SCREENING OR OTHER PROTECTION  
15 AGAINST THE ENTRY OR PESTS. RUBBISH SHALL BE DISPOSED OF SO AS TO  
16 MINIMIZE THE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR  
17 THE WASTE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR  
18 WASTE BECOMING AND ATTRACTANT, HARBORAGE OR BREEDING PLACES  
19 FOR PESTS;  
20

21 (16) ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE  
22 MAINTAINED IN A SANITARY CONDITION;  
23

24 (17) EACH MEDICAL MARIHUANA PROCESSOR FACILITY SHALL PROVIDE  
25 ITS OCCUPANTS WITH ADEQUATE AND READILY ACCESSIBLE TOILET  
26 FACILITIES THAT ARE MAINTAINED IN A SANITARY CONDITION AND GOOD  
27 REPAIR;  
28

29 (18) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF  
30 UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT  
31 PREVENTS THE GROWTH OF THESE MICROORGANISMS;  
32

33 (19) PROCESSOR FACILITIES SHALL BE FREE FROM INFESTATION BY  
34 INSECTS, RODENTS, BIRDS, OR VERMIN OR ANY KIND;  
35

36 (20) PROCESSOR FACILITIES SHALL PRODUCE NO PRODUCTS OTHER THAN  
37 USEABLE MEDICAL MARIHUANA INTENDED FOR HUMAN CONSUMPTION.  
38

39 (B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS A  
40 PROCESSOR FACILITY SHALL BE PROHIBITED.  
41  
42  
43

44 **1300.13 - LOCATION OF A MEDICAL MARIJUANA PROVISIONING CENTER AND**  
45 **A MEDICAL MARIHUANA PROCESSOR FACILITY.**  
46

1 (A) NO MEDICAL MARIJUANA PROVISIONING CENTER OR MEDICAL  
2 MARIHUANA PROCESSOR FACILITY SHALL BE LOCATED WITHIN:

3  
4 (1) ONE THOUSAND (1,000) FEET, MEASURED PROPERTY LINE TO  
5 PROPERTY LINE, OF AN OPERATIONAL PUBLIC OR PRIVATE ELEMENTARY OR  
6 SECONDARY SCHOOL; OR

7  
8 (2) ONE THOUSAND (1,000) FEET, MEASURED PROPERTY LINE TO  
9 PROPERTY LINE, OF A COMMERCIAL CHILD CARE ORGANIZATION (NON-  
10 HOME OCCUPATION) THAT IS REQUIRED TO BE LICENSED OR REGISTERED  
11 WITH THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR  
12 ITS SUCCESSOR AGENCY, UNDER THE CHILD CARE ORGANIZATIONS ACT, 1973  
13 PA 116, MCL 722.11 ET SEQ..

14  
15 (B) MEDICAL MARIHUANA PROVISIONING CENTERS AND PROCESSOR  
16 FACILITIES SHALL ONLY BE LOCATED IN ZONING DISTRICTS AS PROVIDED BY  
17 THE ZONING PROVISIONS OF THE LANSING CODIFIED ORDINANCES.

18  
19 **1300.14 - LOCATION OF A MEDICAL MARIHUANA SAFETY COMPLIANCE**  
20 **FACILITY AND A MEDICAL MARIHUANA GROWER FACILITY.**

21  
22 (A) NO MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITIES AND  
23 GROWER FACILITIES SHALL BE LOCATED WITHIN

24  
25 (1) ONE THOUSAND (1,000) FEET, MEASURED PROPERTY LINE TO  
26 PROPERTY LINE, OF AN OPERATIONAL PUBLIC OR PRIVATE ELEMENTARY OR  
27 SECONDARY SCHOOL; OR

28  
29 (2) ONE THOUSAND (1,000) FEET, MEASURED PROPERTY LINE TO  
30 PROPERTY LINE, OF A COMMERCIAL CHILD CARE ORGANIZATION (NON-  
31 HOME OCCUPATION) THAT IS REQUIRED TO BE LICENSED OR REGISTERED  
32 WITH THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR  
33 ITS SUCCESSOR AGENCY, UNDER THE CHILD CARE ORGANIZATIONS ACT, 1973  
34 PA 116, MCL 722.11 ET SEQ..

35  
36 (B) ALL MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITIES AND  
37 GROWER FACILITIES OTHER THAN MEDICAL MARIJUANA PROVISIONING  
38 CENTERS SHALL BE SUBJECT TO SUBSECTION (A) AND SHALL BE LIMITED TO  
39 THE H-LIGHT INDUSTRIAL OR I-HEAVY INDUSTRIAL ZONING DISTRICTS AS  
40 IDENTIFIED IN THE LANSING CODIFIED ORDINANCES.

41  
42  
43 **1300.15 - DENIAL AND REVOCATION.**

44  
45 (A) A LICENSE ISSUED UNDER THIS CHAPTER MAY BE REVOKED AFTER AN  
46 ADMINISTRATIVE HEARING AT WHICH THE CITY CLERK DETERMINES THAT ANY



1 GROUND FOR REVOCATION UNDER SUBSECTION (B) EXIST. NOTICE OF THE  
2 TIME AND PLACE OF THE HEARING AND THE GROUNDS FOR REVOCATION MUST  
3 BE GIVEN TO THE LICENSEE AT LEAST FIVE DAYS PRIOR TO THE DATE OF THE  
4 HEARING, BY FIRST CLASS MAIL TO THE ADDRESS GIVEN ON THE LICENSE  
5 APPLICATION OR ANY ADDRESS PROVIDED PURSUANT TO 1300.4(A)(1) OR (2);  
6

7 (B) A LICENSE APPLIED FOR OR ISSUED UNDER THIS CHAPTER MAY BE  
8 DENIED OR REVOKED ON ANY OF THE FOLLOWING BASIS:  
9

10 (1) VIOLATION OF THIS CHAPTER;  
11

12 (2) ANY CONVICTION OF A DISQUALIFYING FELONY;  
13

14 (3) COMMISSION OF FRAUD OR MISREPRESENTATION OR THE MAKING OF  
15 A FALSE STATEMENT BY THE APPLICANT OR ANY STAKEHOLDER OF THE  
16 APPLICANT WHILE ENGAGING IN ANY ACTIVITY FOR WHICH THIS CHAPTER  
17 REQUIRES A LICENSE;  
18

19 (4) SUFFICIENT EVIDENCE THAT THE APPLICANT(S) LACK, OR HAVE  
20 FAILED TO DEMONSTRATE, THE REQUISITE PROFESSIONALISM AND/OR  
21 BUSINESS EXPERIENCE REQUIRED TO ASSURE STRICT ADHERENCE TO THIS  
22 CHAPTER AND THE RULES AND REGULATIONS GOVERNING THE MEDICAL  
23 MARIHUANA PROGRAM IN THE STATE OF MICHIGAN;  
24

25 (5) THE MEDICAL MARIHUANA ESTABLISHMENT IS DETERMINED BY THE  
26 CITY TO HAVE BECOME A PUBLIC NUISANCE.  
27

28 **1300.16 - PENALTIES.**  
29

30 (A) THE CITY OF LANSING MAY REQUIRE AN APPLICANT OR LICENSEE OF A  
31 MEDICAL MARIHUANA FACILITY TO PRODUCE DOCUMENTS, RECORDS, OR ANY  
32 OTHER MATERIAL PERTINENT TO THE INVESTIGATION OF AN APPLICATION OR  
33 ALLEGED VIOLATION OF THIS CHAPTER. FAILURE TO PROVIDE THE REQUIRED  
34 MATERIAL MAY BE GROUNDS FOR APPLICATION DENIAL OR LICENSE  
35 REVOCATION;  
36

37 (B) ANY PERSON IN VIOLATION OF ANY PROVISION OF THIS CHAPTER SHALL  
38 BE SUBJECT TO A CIVIL FINE AND COSTS, INCREASED CIVIL FINES MAY BE  
39 IMPOSED FOR A REPEATED VIOLATION. AS USED IN THIS SECTION "REPEAT  
40 VIOLATION" SHALL MEAN A SECOND OR ANY SUBSEQUENT INFRACTION OF THE  
41 SAME REQUIREMENT OR PROVISION COMMITTED BY A PERSON OR  
42 ESTABLISHMENT WITHIN ANY 12-MONTH PERIOD. UNLESS OTHERWISE  
43 SPECIFICALLY PROVIDED IN THIS CHAPTER OR ANY OTHER CHAPTER FOR A  
44 MUNICIPAL INFRACTION, THE PENALTY SCHEDULE IS AS FOLLOWS:  
45

46 1. \$500, PLUS COSTS, FOR THE FIRST VIOLATION;

2. \$750 PER DAY, PLUS COSTS, FOR ANY VIOLATION THAT CONTINUES FOR MORE THAN ONE DAY.

(C) ALL FINES IMPOSED UNDER THIS CHAPTER SHALL BE PAID WITHIN 45 DAYS AFTER THE EFFECTIVE DATE OF THE ORDER IMPOSING THE FINE OR AS OTHERWISE SPECIFIED IN THE ORDER;

(D) THE CITY CLERK MAY TEMPORARILY SUSPEND A MEDICAL MARIHUANA FACILITY LICENSE WITHOUT A PRIOR HEARING IF THE CITY CLERK FINDS THAT PUBLIC SAFETY OR WELFARE REQUIRES EMERGENCY ACTION AFFECTING THE PUBLIC HEALTH, SAFETY, OR WELFARE. THE CITY CLERK SHALL CAUSE THE TEMPORARY SUSPENSION BY ISSUING A SUSPENSION NOTICE IN CONNECTION WITH INSTITUTION OF PROCEEDINGS FOR NOTICE AND A HEARING;

(E) IF THE CITY CLERK TEMPORARILY SUSPENDS A LICENSE WITHOUT A PRIOR HEARING, THE LICENSEE IS ENTITLED TO A HEARING WITHIN THIRTY (30) DAYS AFTER THE SUSPENSION NOTICE HAS BEEN ISSUED. THE HEARING SHALL BE LIMITED TO THE ISSUES CITED IN THE SUSPENSION NOTICE;

(F) IF THE CITY CLERK DOES NOT HOLD A HEARING WITHIN THIRTY (30) DAYS AFTER THE DATE OF SUSPENSION WAS ISSUED, THEN THE SUSPENDED LICENSE SHALL BE AUTOMATICALLY REINSTATED AND THE SUSPENSION VACATED.

(G) THE PENALTY PROVISIONS OF THIS CHAPTER ARE NOT INTENDED TO FORECLOSE ANY OTHER REMEDY OR SANCTION THAT MIGHT BE AVAILABLE TO, OR IMPOSED BY THE CITY, INCLUDING CRIMINAL PROSECUTION.

#### **1300.17 -NO VESTED RIGHTS**

A PROPERTY OWNER SHALL NOT HAVE VESTED RIGHTS OR NONCONFORMING USE RIGHTS THAT WOULD SERVE AS A BASIS FOR FAILING TO COMPLY WITH THIS CHAPTER OR ANY AMENDMENT OF THIS CHAPTER.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules, inconsistent with the provisions hereof are hereby repealed in their entirety and shall be void and of no effect.

1           Section 3. Should any section, clause or phrase of this Ordinance be declared to be invalid, the  
2   same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part  
3   declared to be invalid.

4           Section 4. This Ordinance shall take effect on the 30<sup>th</sup> day after enactment unless given  
5   immediate effect by the City Council.